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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,490	08/10/2001	Lisa White		4639
23485	7590	11/17/2003		
JINAN GLASGOW P O BOX 28539 RALEIGH, NC 276118539			EXAMINER VERDIER, CHRISTOPHER M	
			ART UNIT 3745	PAPER NUMBER 10
DATE MAILED: 11/17/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,490

Applicant(s)

WHITE, LISA

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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Applicant's Request for Reconsideration dated October 6, 2003 has been carefully considered but is deemed non-persuasive. Claims 8-13 are rejected under 35 U.S.C. 102(b) or 102(e) based upon the applied prior art in the first Office action, because the applied prior art discloses each and every claim limitation as set forth below.

Receipt of Applicant's Substitute Specification dated November 7, 2001 is acknowledged. The Substitute Specification has not been entered because it does not conform to 37 CFR 1.125(b) because it does not contain a statement that no new matter has been entered as required by 37 C.F.R. 1.125(b). A new Substitute Specification including a statement that no new matter has been entered is required.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

it incorrectly lists Lisa White as both the first and second inventor, while it appears that Lisa White is only a single inventor. In addition, the full name Lisa White-Burnett should be used throughout the declaration in order to be consistent.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "10", "12", and "14" have all been used to designate the cover. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ceiling fan paddle/blade, the decorative arm, the screws, the turning mechanism, the main motor parts of the inner workings of a ceiling fan, the surged outside surface of the cover, the thread that connects the elastic band to the inside surface, the bar tacking of the elastic ends, the bar tack seal, the triple double stitch, the bar tacking of the center strip, the triple double bar tack stitch, and the outside edge of the design sewn to the main body must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because it editorializes and does not describe the main features of the invention, such as the elastic band that is sewn to the inside surface of

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the cover and has the ends bar tacked together, with the thin elastic strap that is bar tacked in the centermost portion of the cover. Correction is required. See MPEP § 608.01(b) for the requirements of a proper abstract.

The disclosure is objected to because it is replete with clerical and grammatical errors, non-idiomatic language, and incomplete sentences too numerous to mention in all instances. The following are several examples of defects. The specification should be carefully proofread for additional defects. Appropriate correction is required.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The Specification filed August 10, 2001 has no page numbers.

Page 1, line 1 should contain the title of the invention.

On page 1, line 7, "worlds" should be changed to -- world's --.

On page 1, line 7, "formations" should be changed to -- formation --.

The specification is objected to because it is replete with derogatory remarks about the prior art in general, which should be removed. MPEP 608.01(r).

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Page 1, lines 17-19, lines 29-31, line 33; page 2, lines 25 and 31 are examples of derogatory language about the prior art in general. All derogatory remarks must be removed from the specification.

The spacing of the lines of the specification is such as to make reading and entry of amendments difficult. New application papers with lines double spaced on good quality paper are required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification does not provide antecedent basis for the following claimed subject matter:

the cover that extends beyond the and is joined by a metal or plastic decorative arm attached by screws to the turning mechanism outside the main motor parts of the inner workings of the ceiling fan

the outside surface of the cover being surged

the bar tack creating a governor and seal

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the limitations in claim 5, lines 2-6

the limitations in claim 6, lines 2-4

the fact that the application is directed to methods of making, as set forth in claims 2 and 8-13

the bar tack creating a pivotal point, a stop

the method of using no materials outside the fabric and woven materials field

Claim Objections

Claims 1-13 are objected to because of they are replete with clerical and grammatical errors and non-idiomatic language too numerous to mention in all instances. The following are several examples of defects. The claims should be carefully proofread for additional defects. Appropriate correction is required.

In claim 1, line 1, "Lightweight" should be changed to -- lightweight --.

In claim 1, line 1, " "Percale Cotton" " should be changed to -- percale cotton --.

In claim 1, lines 2-4 are non-idiomatic.

In claim 1, line 7, "a" (both occurrences) should be changed to -- an --.

In claim 2, line 1, " "Lightweight Percale Cotton" " should be changed to -- lightweight percale cotton --.

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In claim 2, line 5 is incomplete.

In claim 2, line 8, "1." should be deleted.

Claims 5-6 are non-idiomatic.

Claims 3 and 7 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited. The following are several examples of defective claim language. In claim 1, lines 5-6, "the enter workings of a ceiling fan" is unclear as to what the "the enter workings" are. In claim 1, line 8, "the main body" is unclear as to what element this refers to. In claim 1, line 18, "a bar tack seal" appears to be the same element as the bar tacked

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ends of the elastic band. In claim 1, line 18, the recitation of the bar tack seal creating a governor is inaccurate; it is unclear how the bar tack seal can create a governor. In claim 2, line 10, the recitation of the bar tack seal creating a governor is inaccurate; it is unclear how the bar tack seal can create a governor. Claim 8 is written as two sentences. It is unclear if claim 8 is a single claim or is meant to be two different claims. In claim 8, line 1, "the elastic strap" lacks antecedent basis. In claim 8, line 3, "said cover" lacks antecedent basis. In claim 9, line 1, the recitation of the bar tack seal creating a governor is inaccurate; it is unclear how the bar tack seal can create a governor. Claim 10 which recites that the bar tack creates a pivotal point is inaccurate; it is unclear how the bar tack creates a pivotal point. In claim 11, line 1, "the said covers" and "each paddle/blade" lack antecedent basis. In claim 12, line 2, "the said cover" and "the paddle/blade" lack antecedent basis. Claim 13 is incomplete in that it does not state what the method pertains to.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 8 and 10, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Delander 2,871,590. Note the method of not cutting the elastic straps 38, 39 used in the centermost center, leaving them in one whole piece, and bar tacking the straps to the cover from side to side via ends 51 (column 2, lines 61-69). The bar tack creates a stop.

Claims 9-10, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Tranberg 4,622,908. Note the method of bar tacking the two elastic cut ends (near 14, 14) of elastic element 10 at 23 for creating a seal. The bar tack creates a stop.

Claim 10, as far as it is definite, is rejected under 35 U.S.C. 102(b) as being anticipated by Smith 5,427,291. The bar tack 19 creates a pivotal point and a stop at 17.

Claim 10, as far as it is definite, is also rejected under 35 U.S.C. 102(b) as being anticipated by Hanyu 4,648,340 (figure 3). The bar tack UB, LB creates a pivotal point and a stop via the buttonhole.

Claim 11, as far as it is definite, is rejected under 35 U.S.C. 102(b) as being anticipated by DeMeo 5,591,006. Note the method of using a cover 10 on each paddle/blade F on a ceiling fan to form a set for uniformity, a matching look, and a decorating idea.

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Claim 11, as far as it is definite, is also rejected under 35 U.S.C. 102(b) as being anticipated by Anetrini 5,516,264. Note the method of using a cover 10 on each paddle/blade 16 on a ceiling fan to form a set for uniformity, a matching look, and a decorating idea.

Claim 12, as far as it is definite, is also rejected under 35 U.S.C. 102(e) as being anticipated by Rochon 2002/0084011 (figures 2a-2b). Note the method of applying an elastic band 140 around the outside edge of the outside surface of cover 120, to create a spontaneous function, and attaching the cover to a paddle/blade 150.

Claim 13, as far as it is definite, is also rejected under 35 U.S.C. 102(b) as being anticipated by DeMeo 5,591,006. Note the method of using no objects outside the fabric and woven materials field, with covers 10 being spandex.

Allowable Subject Matter

Claims 1 and 2 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 4-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (703)-308-2638. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.

C.V.
November 14, 2003


Christopher Verdier
Primary Examiner
Art Unit 3745